

STATE OF TEXAS §
COUNTIES OF ARANSAS §
SAN PATRICIO AND NUECES §
CITY OF ARANSAS PASS §

On this the 5th day of May, 2007 the City Council of the City of Aransas Pass convened in a Regular Council Meeting being open to the Public at the regular meeting place thereof in the City Hall and notice of said meeting giving the time, place, date and subject hereof having been posted and prescribed by Chapter 551 of the Texas Government Code with the following attendance to wit constituting a quorum.

PRESENT: Frank Hametner Mayor
Tommy Knight Mayor Pro Tempore
Jay Attaway, Council Member
Grace Chapa, Council Member
Vickie Abrego, Council Member

ABSENT:

ADMINISTRATIVE
PERSONNEL PRESENT: Mike Sullinger, Interim City Manager
Allen Lawrence, City Attorney
Ada Owens, City Secretary

ADMINISTRATIVE
PERSONNEL ABSENT: None

STAFF PRESENT: Darren Gurley, Public Works Director
Frank Truitt, City Inspector
Sandy Roddel, Finance Director
Gilbert Ritz, Fire Chief

OTHERS PRESENT: Lupe Torres, Ralph & Lu Arcemont, Don & Jeanie Brummett, Jim & Alpha Covington, Margaret Garrett, Ann P. Melton, Hope Comingore, Ryan Cunningham, Bob Wright, Jim Sammons, Billy O'Donald, Jeannette Kindervater, Eric Kindervater, Matthew Stanford, David Mason, Stephen Henerman, Azzen Lowe, Mary Ann Cavazos, Belinda Ritz.

(There may have been others present who did not sign in.)

ITEM 1. CALL MEETING TO ORDER.

Mayor Hametner Mayor called the meeting to order at 7:00 p.m. on May 7, 2007.

ITEM 2. INVOCATION AND PLEDGE OF ALLEGIANCE TO THE UNITED STATES FLAG.

City Manager Mike Sullinger gave the Invocation. Council Member Abrego led the Pledge of Allegiance to the United States Flag.

ITEM 3. CITIZEN'S COMMENTS / MAYOR'S QUESTION AND ANSWER SESSION.

Ms. Margaret Garrett stated she would like to be on the next agenda for a proclamation recognizing June as Children of the Choctaw Nation Month and a second request to be on the next agenda for a proclamation welcoming the San Antonio Firefighters who will be in Aransas Pass June 1-3 for a fishing tournament in Conn Brown Harbor.

Mr. Jim Covington and Mr. Harlan Roberts previewed a plan to apply for a Texas Department of Public Safety grant to plant palm trees on Harrison Blvd.

Mayor Hametner announced that since this was his last meeting as Mayor, he had asked the City Manager to prepare an update on City business for the next Council

meeting. Mayor Hametner thanked the citizens for the opportunity to be of service to the City.

ITEM 4. **CONSENT AGENDA – “All of the Following items on the Consent Agenda are considered to be routine by the City Council and will be enacted with one motion. There will be no separate discussion of these items unless a Council Member so requests. If discussion is desired that item will be removed from the Consent Agenda and will be considered separately”.**

Council Member Chapa requested Item C be considered separately.

- A. Approval of Minutes of April 16, 2007.
- B. Consider and Act on approving the resignation of Mr. Don McTee from the Aransas Pass Municipal Development District Board.

Council Member Attaway made the motion to approve the Consent Agenda Items A and B. Mayor Pro Tempore Knight seconded the motion and the motion carried unanimously

- C. Consider and Act on approving the appointment of Lupe Torres to the Aransas Pass Housing Authority Board.

Council Member Chapa asked did the Council only receive one application?

The City Secretary stated yes.

Council Member Chapa asked Mr. Torres if there was any conflict with his girlfriend being on the Housing Authority Board also?

Mr. Torres stated no, he saw no conflict.

Mayor Pro Tempore Knight made the motion to appoint Mr. Torres to the Housing Authority Board. Council Member Attaway seconded the motion and the motion carried unanimously.

ITEM 5. **PROCLAMATION FOR NATIONAL SAFE BOATING WEEK.**

U.S. Coast Guard Auxiliary Commander Liddel accepted the proclamation presented to the Auxiliary for their dedication to boat safety by Mayor Hametner.

Commander Liddel thanked the Mayor on behalf of the Auxiliary and announced that the Auxiliary now meets at the Sea Academy in Aransas Pass and volunteers were welcomed. He also introduced Vice Commander George Simpson, their Secretary Carolyn Simpson and Capt. Hope Comingore, head of their PE Department.

ITEM 6. **CONSIDERATION AND APPROVAL OF A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF ARANSAS PASS, TEXAS AUTHORIZING AND APPROVING PUBLICATION OF NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION; COMPLYING WITH THE REQUIREMENTS CONTAINED IN SECURITIES AND EXCHANGE COMMISSION RULE 15C2-12; AND PROVIDING AN EFFECTIVE DATE.**

Mr. Ryan Cunningham of Southwest Securities gave an update on the Council's rescinding the authorization for tax exempt Certificates of Obligation (COs) and the decision to issue taxable CO's and the advantages of issuing taxable COs.

Mayor Pro Tempore Knight made the motion to approve the Resolution authorizing and approving publication of notice of Intention to Issue Certificates of Obligation; complying with the requirements contained in Securities and Exchange Commission Rule 15c2-12; and providing an effective date. Council Member Attaway seconded the motion and the

motion carried 4 to 1 with Mayor Hametner, Mayor Pro Tempore Knight and Council Members Attaway and Abrego voting yes and Council Member Chapa voting no.

ITEM 7. CONSIDER AND ACT ON APPROVAL OF CONTRACT BETWEEN THE ARANSAS PASS MUNICIPAL DEVELOPMENT DISTRICT AND TKO ARCHITECTS FOR THE DESIGN OF A CIVIC CENTER.

After discussion, Council Member Attaway made the motion to approve the contract between the Aransas Pass Municipal Development District and TKO Architects for the design of a civic center. Mayor Pro Tempore Knight seconded the motion and the motion carried unanimously.

ITEM 8. CONSIDER AND ACT ON ORDINANCE 2007-3917 REPEALING SECTIONS 29-27 "WATER SERVICE CONNECTION PERMIT AND FEE"; 29-28 "WATER RATES"; 29-29 "SEWER CONNECTION CHARGES"; AND SECTION 29-30 "SEWER RATES" AND ENACTING NEW SECTIONS 29-27 "WATER SERVICE CONNECTION PERMIT AND FEE"; 29-28 "WATER RATES"; 29-29 "SEWER CONNECTION CHARGES"; AND SECTION 29-30 "SEWER RATES" DEALING WITH THE SAME SUBJECT MATTER TO ADJUST SAID RATES AND CHARGES; AND PROVIDING FOR AN EFFECTIVE DATE, AND SEVERANCE.

Mr. Sullinger stated the residential utility deposit fee had increased from \$50.00 to \$75.00.00 because the deposits did not cover 40 percent of the accounts closed and the City was losing money. At the close of October 2006 the City lost \$4,500.00 on unpaid closed accounts. He stated the commercial account deposits will now be equal to twice the last utility bill and extra turn-ons and turn-offs will have a \$10.00 fee.

Council Member Attaway asked when would the rates take effect?

Mr. Sullinger stated at the next billing (June 1).

Mayor Pro Tempore Knight made the motion to approve Ordinance 2007-3917 Repealing Sections 29-27 "Water Service Connection Permit and Fee"; 29-28 "Water Rates"; 29-29 "Sewer Connection Charges"; and Section 29-30 "Sewer Rates" and Enacting new Sections 29-27 "Water Service Connection Permit and Fee"; 29-28 "Water Rates"; 29-29 "Sewer Connection Charges"; and Section 29-30 "Sewer Rates" dealing with the same subject matter to adjust said rates and charges; and Providing for an effective date, and severance. Council Member Abrego seconded the motion and the motion carried unanimously.

ITEM 9. DISCUSSION REGARDING ORDINANCE 2007-3913, SCREENING OF STORAGE YARDS.

Mayor Pro Tempore Knight stated he had this item put on the agenda because some business owners had told him improvements to meet the code would put a hardship on them.

Mr. Eric Kindervater stated it would cost him \$20,000.00 to bring his fence up to code and it was not feasible. He stated he had checked surrounding city codes and none required an eight foot fence.

Mr. Sullinger stated he disagreed, Mr. Kindervater had come to him about three months ago complaining about Frank Lamas' storage yard, saying it was an eyesore and why couldn't the City do something about it. He stated the City created the ordinance in response to his complaint.

The City Inspector showed pictures of the storage yards in the City and stated he was willing to work with the business owners if they would make a plan to meet the code. He stated the Inspections Department will start enforcing the ordinance in six months.

The City Inspector stated Mr. Kindervater's chain link fence with the barbed wire was eight feet tall and meet the height requirement. He stated Mr. Kindervater could meet code by screening his fence and the screening did not have to be solid.

ITEM 10. DISCUSSION REGARDING SKATE PARK.

Council Member Chapa stated she wanted to update the Council on the proposed skate park and ask the Council for direction. She stated she had information about skate parks and had spoken to Mr. Sullinger and Mr. Gurley about what the City could do. She stated Mr. Gurley had told her he could do the dirt work. She asked Mr. Sullinger if he had contacted the engineers.

Mr. Sullinger stated yes, and Urban Engineering would help with the skate park, but he did not think the size of the project would need an engineer.

Council Member Chapa stated she was working on the funding. She had contacted Mr. Aaron Jayne with the Temple of Praise and sent letters to the Coastal Bend Foundation and the Women's Club. She stated Council Member Abrego had volunteered to contact businesses that favored youth activities.

Mayor Pro Tempore Knight asked had anyone looked at the liability on the skate park?

Mr. Sullinger stated the State had addressed the liability concerns in 2002 when this sport became popular. The State law would reclude the City from any responsibility if the proper signage was posted. He stated some manned skate parks without the signage have had a problem with liability claims.

The City Attorney stated as long as the City has the proper signage posted all the City would be responsible for was willful or gross negligence.

Mayor Hametner asked would the Council like Council Member Chapa to continue work on the skate park project if she is willing to do that? He stated there would be grant money in the future that could be used for a skate park.

Council Member Chapa stated she was hoping to do something this year. She estimated the cost to be approximately \$250,000.00. She stated a workshop was needed to ask the skaters what they would need in a skate park.

Mr. Sullinger asked would a skate park at the Community Park area be feasible when there are skate parks in Ingleside, Rockport and Portland? Should the City build something to attract people from those other cities to Aransas Pass?

After discussion, it was the consensus to have a workshop on June 7.

ITEM 11. CITY MANAGER'S REPORT.

Mr. Sullinger stated work on the Harbor was proceeding, but there were 60 barrels of chemical on the Harbor that he was told could cost as much as \$100,000.00 to dispose of the barrels. He stated Weston Engineering recommended Miller Environmental who did a study and reported that they (Miller Environmental) could dispose of all the barrels, except the paint, for \$7,500.00.

ITEM 12. RECESS REGULAR MEETING AND RETIRE TO EXECUTIVE SESSION PURSUANT TO CHAPTER 551 OF TEXAS GOVERNMENT CODE.

Recessed into Executive Session in Municipal Court Room at 7:58 p.m.

A. Section 551.071, Consultation with Attorney – Legal Matters regarding APDG.

ITEM 13. RECONVENE IN REGULAR MEETING AND CONSIDER AND ACT ON FINDINGS OF EXECUTIVE SESSION.

Reconvened into Open Session at 8:12 p.m.

A. Section 551.071, Consultation with Attorney – Legal Matters regarding APDG.

Council Member Abrego made the motion to authorize the Mayor to sign a mutual release and settlement agreement with APDG. Mayor Pro Tempore seconded the motion and the motion carried unanimously.

ITEM 14. ADJOURNMENT OF MEETING.

Council Member Attaway made the motion to adjourn the meeting. Mayor Pro Tempore Knight seconded the motion and the motion carried unanimously.

Mayor Hametner adjourned the meeting at 8:14 p.m.

ATTEST: Frank C. Hametner, Mayor

Ada Owens, City Secretary